

Amendment No. 1 to SB0485

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 485

House Bill No. 187*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 20-1-119(a), is amended by redesignating the current language as subdivision (a)(1) and adding the following new subdivision:

(2) In a civil action filed against an owner and operator of an uninsured motor vehicle, as defined in § 56-7-1202, where comparative fault is or becomes an issue, if an insurance company, served pursuant to § 56-7-1206 with an original complaint initiating a suit filed within the applicable statute of limitations, or served pursuant to § 56-7-1206 with an amended complaint filed within the applicable statute of limitations, alleges in an answer or amended answer to the original or amended complaint that a person not a party to the suit caused or contributed to the injury or damage for which the plaintiff seeks recovery, and if the plaintiff's cause or causes of action against that person would be barred by any applicable statute of limitations but for the operation of this section, the plaintiff may, within ninety (90) days of the filing of the first answer or first amended answer alleging that person's fault, either:

(A) Amend the complaint to add the person as a defendant pursuant to Tenn. R. Civ. P. 15 and cause process to be issued for that person; or

(B) Institute a separate action against that person by filing a summons and complaint. If the plaintiff elects to proceed under this section by filing a separate action, the complaint so filed shall not be considered an original

complaint initiating the suit or an amended complaint for purposes of this subsection (a).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.